

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.11852 of 2019

W.M.P.Nos.12060, 12062 and 12065 of 2019

Shahul Hameed

... Petitioner

Vs.

1. The Sub-Registrar,
(District Registrar Cadre),
Triplicane, Chennai - 14.
2. The Inspector of Police,
Oddanchattram Police Station,
Oddanchattram, Dindigul - 624 619.
3. The Inspector of Police,
Triplicane Police Station,
Triplicane, Chennai - 14.
4. A.Liyakath Ali
5. Meharunisa
6. Firdouse
7. Farzana Begum

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus, directing to cancel the settlement deed executed by the fourth respondent vide document No.226 of 2019 dated 21.02.2019 on the file of the first respondent by quashing the non-traceable certificate dated 27.01.2019 issued by the second respondent based on the false complaint given by the fourth respondent.

For Petitioner : Mr.B.Manoharan

For Respondents : Mr.T.M.Pappiah

Special Public Prosecutor for R1

Mr.M.Mohamed Riyaz,

Additional Public Prosecutor for R2 to R3

: M/s.P.Vijayalakshmi for R4.

O R D E R

This Writ Petition has been filed for a direction to cancel the settlement deed executed by the fourth respondent vide document No.226 of 2019 dated 21.02.2019 on the file of the first respondent by quashing the non-traceable certificate dated 27.01.2019 issued by the second respondent based on the false complaint given by the fourth respondent.

2. The learned counsel for the petitioner has submitted that originally the fourth respondent has mortgaged the properties, which were settled in favour of the respondents 5 to 7. The title deeds of the said properties were deposited with the petitioner. Thereafter, the fourth respondent suppressing the said fact, lodged a complaint before the second respondent as if the original documents were lost and after period of some time, the second respondent has issued a non traceable certificate for those documents. On the strength of the non traceable certificate, the fourth respondent settled the property in favour of the respondents 5 to 7 herein. Now, the petitioner is in possession of the originals of such documents.

3. Considering the above facts and circumstances, the petitioner is directed to produce all the original documents in respect of the property before the second respondent and after verifying the same, the second respondent is directed to withdraw the non traceable certificate issued by him, within a period of two weeks from the date of production of original document from the petitioner. Further, the second respondent is also directed to take appropriate action as against the fourth respondent for filing false complaint, suppressing the fact that he had already deposited the title deeds with the petitioner.

4. With the above direction, the Writ Petition is disposed of. Consequently, the connected Miscellaneous Petitions are closed.

सत्यमेव जयते

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Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

kv

To

1. The Sub Registrar
(District Registrar Cadre),
Triplicane, Chennai - 14.
2. The Inspector of Police,
Oddanchattram Police Station,
Oddanchattram, Dindigul - 624 619.
3. The Inspector of Police,
Triplicane Police Station,
Triplicane, Chennai - 14.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Manoharan, Advocate for the petitioner vide
S.R.No.22540.

CO/kj
adl/30.05.2020

W.P.No.11852 of 2019



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